



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant: Joseph Bobier  
Title: Missing Cycle Base Carrier Modulation  
Serial No.: 09/511,470 Examiner: Fan, Chieh M.  
Filed: February 23, 2000 Group Art Unit: 2634  
Docket No.: ICL-2-002


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**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ An Office Action Response (mailed July 26, 2004) (21 Pages);
- ☒ Transmittal Form (PTO/SB/21);
- ☒ Credit Card Authorization Form in the amount of \$905.00 to cover the 3<sup>rd</sup> month Extension of Time fee and After Final Submission fee;
- ☒ Return Receipt Postcard.

January 17, 2005  
                      
Date

By   
Dennis L. Cook  
Reg. No. 30,826  
Attorney for Applicant

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

23

Application Number

09/511,470

Filing Date

Feb. 23, 2000

First Named Inventor

Joseph Bobier

Art Unit

2634

Examiner Name

Fan, Chieh M.

Attorney Docket Number

ICL-2-002

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Law Offices of Dennis L. Cook, PLLC		
Signature			
Printed name	Dennis L. Cook, Esq.		
Date	1/17/2005	Reg. No.	30,826

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Amy E. Federsel	Date	1/17/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



AF ZFW

Title: "Missing Cycle Based Carrier Modulation"  
Serial No. 09/511,470  
Attorney Docket No. ICL-2-002  
Responsive to Office Action Mailed July 26, 2004  
Date: January 17, 2005

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

Applicant:	Joseph A. Bobier	)	
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Serial No:	09/511,470	)	Group Art Unit: 2634
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Filed:	February 23, 2000	)	Examiner: Fan, Chieh M
		)	
For:	Missing Cycle Based Carrier Modulation	)	
		)	
Attorney Docket:	ICL-2-002	)	

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Mail Stop RESPONSE AFTER FINAL  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE**

In response to the Final Office Action mailed July 26, 2004, Applicant appreciates the Examiner's allowance of Claims 49-54 and the other claims that were objected to based on informalities or being dependent on rejected base claims such that they would be allowable if written in independent form. These informalities and rejections have been corrected in the amendment below.

The Examiner has rejected Claims 1, 2, 26-30 and 62 under 35 U.S.C. 102(b) as being anticipated by Hiramatsu (U.S. Pat. No. 5,136,614). The Examiner has stated in his rejection that Hiramatsu discloses a method for transmitting binary information from an information stream that anticipates the claimed invention. The Examiner rejected Claims 3, 5, 6, 7, 8, 9, 19, 20, 22, 24, 25, 31, 32, 35, 36, 37, 38, 41, 42, 43, 44, 47, 48, and 63 under 35 U.S.C. 103 (a) as being unpatentable over Hiramatsu in view of several other patents and combinations thereof.

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01 FC:2253 510.00 DP  
02 FC:2809 395.00 DP

Applicant certainly appreciates the Examiner's allowance of claims when the informalities and rejections are corrected as has been done in the amendment below. Applicant respectfully requests the Examiner allow this important application, as amended, to proceed to issuance.

In rejecting the now cancelled claims, the Examiner has continued to rely on the figures of Hiramatsu, and in particular, figures 8(A) and 8(B) to find one of the crucial elements of the rejected claims, that is the beginning and ending of the transmitted set of integer cycles at the zero crossing point. Applicant still disagrees with the Examiner's position that the figures alone are sufficient disclosure when the specification of the prior art teaches against the interpretation the Examiner gives to the figures. But, Applicant is willing to cancel the disallowed claims and amend the claims as suggested by the Examiner in order to allow the application to issue, given the almost 5 year time period this application has been pending.